UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 April 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22 and 28-30</u> is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22 and 28-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>11 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a)☒ All b)☐ Some * c)☐ None of:

  1.☒ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed April 3, 2007 have been fully considered but they are

not persuasive. On page 18 of the "Remarks" section, the applicant argues that the prior

art cited by the examiner does meet all the limitations of Claim 1. Specifically, the

applicant argues that Zigmond, relied upon by the examiner in the U.S.C. 103 rejection

of Claim 1 does not meet the limitation of "selecting the advertisement image based on

viewer information set at the image content reproducing apparatus such that a viewer

can select said advertisement image or reject said advertisement image and select a

different category" (page 17 of the "Remarks" section). Instead, the applicant argues

that Zigmond is directed to selecting and inserting advertisements into a program feed

at the household level and does not teach the above quoted limitation. For similar

reasons, the applicant also argues that independent Claims 10, 18-22 and 28-30 are

also patentable, as well as their dependent claims.

The examiner respectfully disagrees. Zigmond relates to intelligent ad insertion

techniques primary utilized at the end user location (or at the content reproducing

apparatus, as the applicant deems said location) (see abstract and fig. 4, col. 4, lines 7-

14). Zigmond discloses a variety of techniques aimed at assuring that commercials

shown to the viewer are relevant to the viewer. One method that Zigmond uses to

accomplish this use some type of viewer information, such as user location, to select an

appropriate advertisement for display (col. 4, lines 25-35). Another aspect of the

Zigmond's system allows the user to choose an alternate commercial for viewing. This

aspect of Zigmond's invention, disclosed in Figure 4 and in column 9, lines 21-38 reads

directly on the limitation: "selecting the advertisement image based on viewer

information set at the image content reproducing apparatus such that a viewer can

select said advertisement image or reject said advertisement image and select a

different category" by allowing the user to select a different advertisement for viewing.

Different advertisements can be classed as different categories and Zigmond's system

already incorporates "viewer information" along with the information reported by the

user as to which advertisement he prefers (by selecting an advertisement). For this

reason, Claims 1, as well as Claims 10, 18-22, and 28-30 and their dependent Claims

stand rejected.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hite (US 5,774,170) in view of Goodman (US 7,039,930) and in further view of

Aras (US 5,872,588) and in further view of Zigmond (US 6,698,020).

Regarding claim 1, Hite discloses that the claimed "image content providing

method of providing an image content from an image content providing

apparatus to an image content reproducing apparatus" is met as follows:

- The claimed step of "requesting to distribute said image content from said image content reproducing apparatus to said image content providing apparatus" is met by column 7, lines 54-63, which disclose a consumer request for programming which can begin at any time. The consumer location meets the claimed reproducing apparatus and the server meets the claimed content providing apparatus.

- The claimed step of "transmitting said image content to said image content reproducing apparatus and detecting a position of inserting an advertisement image in said image content at said image content providing apparatus" is met by the routing of the requested video to the individual consumer display device. Detecting a position of inserting an advertisement image is met by the commercial choice being switched to that location based on a match of the CID (Commercial Identifier) determined for that location and the CID embedded in the commercial. The matching can occur at the display site [col. 7, lines 54-63].

- The claimed step of "requesting an advertisement image providing apparatus having said advertisement image to distribute said advertisement image from said image content providing apparatus" is met by column 6, lines 28-33, which disclose that the display site tunes to the frequency which contains the commercial being sent from the server if the CID code in the commercial and the CID code in the RD (Recording

Device for recording CID codes that tell the display which commercials to display and which commercials to ignore) match .

- The claimed step of "selecting said advertisement image to be inserted to said image content and transmitting thereof to said image content providing apparatus at said advertisement image providing apparatus" is, again, met by column 6, lines 28-33, which disclose that the display site tunes to the frequency which contains the commercial being sent from the server if the CID code in the commercial and the CID code in the RD match.

- The claimed step of "distributing said advertisement image at the position of inserting said advertisement image when said image content is distributed from said image content providing apparatus to said image content reproducing apparatus" is met by the transmission of a default commercial in case a targeted commercial is not played in place of the default commercial. Depending on the capacity of the transmission system, the number of simultaneous commercials could be relatively small...or much larger [col. 6, lines 3-9].

However, Hite fails to disclose registering said image content by attaching a content owner identifier; and distributing an advertisement insertion charge to a content owner based on the content owner identifier.

Goodman discloses the claimed step "registering said image content by attaching a content owner identifier to said image content; and distributing an advertisement

insertion charge to a content owner based on the content owner identifier" by the securely adding information to the commercial, namely the advertiser's ADTAG account code (col. 6, lines 30-54) and by the ADTAG system verifying that the commercial airs and authorizing payment (col. 4, lines 31-37).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the registering and charging system of Goodman, an analogous art, to the image content providing method of Hite to allow a better ad payment system.

Hite and Goodman fail to disclose that the owner identifier is attached to said image content.

Aras discloses that the "content owner identifier is attached to said image content" by adding tag information to the program being watched (for example, adding an audio-visual identifier, or AVI, to a program, col. 7, lines 30-54 and cols. 8 and 9, lines 53-67 and 1-2).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the content owner identification of image content of Aras, an analogous art, to the image content providing method of Hite and Goodman to further identify the image content being reproduced for the user.

Hite, Goodman, and Aras do not disclose selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category.

Zigmond discloses selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category (such as by choosing from multiple ads, some being for different categories or products, col. 9, lines 30-38).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the ad selection of Zigmond, an analogous art, to the image content providing method of Hite, Goodman, and Aras so that advertising effectiveness is maximized and the viewer's time is not wasted.

Regarding claim 2, Hite further discloses that the claimed "image content providing method according to claim 1, wherein when said image content is requested to distribute at said image content reproducing apparatus, said image content is selected and requested to distribute based on a title list which is information for viewing said distributable image contents to be transmitted from said image content providing apparatus" is met by the VOD (Video On Demand) functionality discussed on column 7, lines 54-63, which inherently allows users to select programming from a title list that is transmitted to the display site before transmission of the video.

Regarding claim 3, Hite further discloses that the claimed "image content providing method according to claim 1, wherein the position of said image content for inserting said advertisement image is detected based on advertisement inserting condition data having an advertisement image inserting position condition for designating the position of inserting said advertisement image and an advertisement

image selecting condition for designating a category of said advertisement image

capable of being inserted to said image content" is met by the conditions and rules for

displaying the commercial [col. 7, lines 7-9].

Regarding claim 4, Hite further discloses that the claimed "image content

providing method according to claim 3, wherein said advertisement inserting condition

data includes an advertisement image reproducing condition for designating a maximum

period of time for reproducing said advertisement image when said advertisement

image is inserted to said image content" is met by the time period disclosed in column 7,

lines 22-23. In other words, addressable ads are run for a time period that is

designated according to a targeted addressable ad spot.

Regarding claim 5, Hite further discloses that the claimed "image content

providing method according to claim 3, wherein when said advertisement image is

requested to distribute at said image content providing apparatus, said advertisement

inserting condition data is transmitted to said advertisement image providing apparatus

and when said advertisement image is selected at said advertisement image providing

apparatus, said advertisement image is selected based on said advertisement inserting

condition data" is met, again, by the conditions and rules for displaying the commercial.

The codes of the commercials transmitted are first compared to the codes previously

stored. The commercial transmitted that is found to match is stored in the storage at the

display site. Note that the CIDs and display rules would be stored in a storage known

as an Ad Queue in the commercial processor [col. 7, lines 7-14].

Regarding claim 6, Hite further discloses that the claimed "image content

providing method according to claim 1, wherein when said image content is requested

to distribute at said image content reproducing apparatus, viewer information of a

viewer for utilizing said image content is transmitted to said image content providing

apparatus" is met by the fact that the characteristics of those viewing or hearing the

commercials are analyzed and categorized and the results are stored in a Customer

Database 128 [col. 9, lines 44-57].

Regarding claim 7, Hite further discloses that the claimed "image content

providing method according to claim 6, wherein when said advertisement image is

requested to distribute at said image content providing apparatus, said viewer

information is transmitted to said advertisement image providing apparatus and when

said advertisement image is selected at said advertisement image providing apparatus,

said advertisement image is selected based on said viewer information" is met by the

programming being analyzed and categorized to determine the suitability of insertion of

different categories of commercials [col. 9, lines 44-57]. Also, the Programming

Database 152 contains lists of programs would be suitable and eligible for use with

commercials which match the needs and wants of consumers in the Consumer

Database 128 [col. 11, lines 13-18].

Regarding claim 8, Hite further discloses that the claimed "image content

providing method according to claim 1" is further met as follows:

- The claimed "main image content distributing apparatus" is met by the

  Media Origination Facility 300.

- The claimed "plurality of deputy image content distributing apparatus" is met by Ad Administration and Transmission Facilities 100 and 200.

- The claimed "wherein said main image content distributing apparatus selects one of the deputy image content distributing apparatus from said plurality of deputy image content distributing apparatus by a request of distributing said image content from said image content reproducing apparatus and said selected deputy image content distributing apparatus distributes said image content to said image content reproducing apparatus" is met by the fact that the Ad Administration Facility 100 is where customers, commercials, and programs are analyzed and categorized and the results are stored in databases. The information is then transmitted to the Ad Transmission Facility 200, which then sends the processed commercials and CID codes with other video and/or audio programming to the Media Origination Facility 300. The Media Origination Facility 300 then sends the processed commercials and CID codes to the display site 400 at user request (as discussed previously) [col. 8, line 65 – col. 9, line 33].

Regarding claim 9, Hite further discloses that the claimed "image content providing method according to claim 1" is further met as follows:

- The claimed "main image content distributing apparatus" is met by the Media Origination Facility 300.

- The claimed "plurality of image content distribution splitter nodes, wherein when said main image content distributing apparatus is requested to distribute said image content, said main image content distributing apparatus selects said image content distribution splitter node and distributes said image content to said image content distribution splitter node and said image content is distributed from said image content distribution splitter node to said image content reproducing apparatus" is met by the proposed use of the method of commercial substitution in a geographical node system [col. 3, lines 4-10].

Regarding claim 10, see the above rejection to similar method claim 1.

Regarding claim 11, see the above rejection to similar method claim 2.

Regarding claim 12, see the above rejection to similar method claim 3.

Regarding claim 13, see the above rejection to similar method claim 4.

Regarding claim 14, see the above rejection to similar method claim 5.

Regarding claim 15, see the above rejection to similar method claim 7.

Regarding claim 16, Hite further discloses that the claimed "image content providing method according to claim 11, wherein said image content is provided by said image content providing apparatus by subjecting said image content to download distribution to said image content reproducing apparatus" is met by the download of the programming and processed commercials and CID codes via electrical and/or optical links 303, radio transmission 302 and 401, or satellite 202 [col. 9, lines 32-38].

Regarding claim 17, Hite further discloses that the claimed "image content providing method according to claim 11, wherein said image content is provided by said image content providing means by transmitting an information recording medium recorded with said image content to said image content reproducing apparatus" is met by the transmission of the programming and processed commercials and CID codes via physical means 307 such as optical or magnetic tapes or disks [col. 9, lines 32-38].

Regarding claim 18, Hite discloses that the claimed "image content providing system" is met as follows:

- The claimed "image content providing apparatus having an image content and having a function of providing said image content" is met by the Media Origination Facility 300 for sending programming and commercials to display site 400 [col. 9, lines 28-33].

- The claimed "advertisement image providing apparatus having an advertisement image to be inserted to said image content and having a function of providing said advertisement image" is met by the Ad Transmission Facility 200, which combines the commercials and CID codes with other video and audio programming and conveys it to the Media Origination Facility for sending to the display site 400 [col. 9, lines 16-20].

- The claimed "image content reproducing apparatus having a function of reproducing said image content and said advertisement image; wherein said image content providing apparatus has a function of inserting the

advertisement image transmitted from said advertisement image providing apparatus to said image content and providing said image content and said advertisement image to said image content reproducing apparatus" is met by the transmission of a default commercial in case a targeted commercial is not played in place of the default commercial. Depending on the capacity of the transmission system, the number of simultaneous commercials could be relatively small...or much larger [col. 6, lines 3-9].

However, Hite fails to disclose registering said image content by attaching a content owner identifier to said image content; and distributing an advertisement insertion charge to a content owner based on the content owner identifier.

Goodman discloses the claimed step "registering said image content by attaching a content owner identifier to said image content; and distributing an advertisement insertion charge to a content owner based on the content owner identifier" by the securely adding information to the commercial, namely the advertiser's ADTAG account code (col. 6, lines 30-54) and by the ADTAG system verifying that the commercial airs and authorizing payment (col. 4, lines 31-37).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the registering and charging system of Goodman, an analogous art, to the image content providing method of Hite to allow a better ad payment system.

Hite and Goodman fail to disclose that the owner identifier is attached to said image content.

Aras discloses that the "content owner identifier is attached to said image content" by adding tag information to the program being watched (for example, adding an audio-visual identifier, or AVI, to a program, col. 7, lines 30-54 and cols. 8 and 9, lines 53-67 and 1-2).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the content owner identification of image content of Aras, an analogous art, to the image content providing method of Hite and Goodman to further identify the image content being reproduced for the user.

Hite, Goodman, and Aras do not disclose selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category.

Zigmond discloses selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category (such as by choosing from multiple ads, some being for different categories or products, col. 9, lines 30-38).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the ad selection of Zigmond, an analogous art, to the image content providing method of Hite, Goodman, and Aras so that advertising effectiveness is maximized and the viewer's time is not wasted.

Regarding claim 19, see the above rejection for similar claim 18.

Regarding claim 20, Hite discloses that the claimed "image content providing

apparatus for providing an image content" is met as follows:

- The claimed "image content database for storing said image content" is

   met by the Programming Database 152, for storing programs that would

   be suitable and eligible for use with commercials which match the needs

   and wants of consumers [col. 11, lines 12-15]. Also, the VOD systems

   discussed in column 7, lines 54-63 contains massive storage systems

   called servers for storing programming.

- The claimed "list forming means having a function of forming a title list

   which is information of viewing said image content stored to said image

   content database and providing said title list" is met by the VOD (Video On

   Demand) functionality discussed on column 7, lines 54-63, which

   inherently allows users to select programming from a title list that is

   transmitted to the display site before transmission of the video.

- The claimed "image providing means having a function of inserting an

   advertisement image to said image content of said image database and

   distributing thereof" is met by column 6, lines 28-33, which disclose that

   the display site tunes to the frequency which contains the commercial

   being sent from the server if the CID code in the commercial and the CID

   code in the RD match.

However, Hite fails to disclose database registering means for attaching a content owner identifier to said image content; and wherein an advertisement insertion charge is distributed to a content owner based on the content identifier.

Goodman discloses the claimed means "database registering means for attaching a content owner identifier to said image content; and wherein an advertisement insertion charge is distributed to a content owner based on the content identifier" by booking a commercial with the ADTAG clearing house (col. 6, lines 11-16) and by the ADTAG system verifying that the commercial airs and authorizing payment (col. 4, lines 31-37).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the registering and charging system of Goodman, an analogous art, to the image content providing method of Hite to allow a better ad payment system.

Hite and Goodman fail to disclose that the owner identifier is attached to said image content.

Aras discloses that the "content owner identifier is attached to said image content" by adding tag information to the program being watched (for example, adding an audio-visual identifier, or AVI, to a program, col. 7, lines 30-54 and cols. 8 and 9, lines 53-67 and 1-2).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the content owner identification of image content of Aras, an analogous art, to the image content providing method of Hite and Goodman to further identify the image content being reproduced for the user.

Hite, Goodman, and Aras do not disclose selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category.

Zigmond discloses selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category (such as by choosing from multiple ads, some being for different categories or products, col. 9, lines 30-38).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the ad selection of Zigmond, an analogous art, to the image content providing method of Hite, Goodman, and Aras so that advertising effectiveness is maximized and the viewer's time is not wasted.

Regarding claim 28, Hite discloses that the claimed "program storage medium stored with an image content providing program which is a program storage medium stored with an image content providing program for providing an image content" is met as follows:

- The claimed "list forming means having a function of forming a title list constituting information of viewing said image content stored to said image content database and providing said title list" is met by the VOD (Video On Demand) functionality discussed on column 7, lines 54-63, which

inherently allows users to select programming from a title list that is

transmitted to the display site before transmission of the video.

- The claimed "image providing means having a function of inserting an

  advertisement image to said image content of said image content

  database and distributing thereof" is met by column 6, lines 28-33, which

  disclose that the display site tunes to the frequency which contains the

  commercial being sent from the server if the CID code in the commercial

  and the CID code in the RD match.

However, Hite fails to disclose database registering means for attaching a

content owner identifier to said image content; and wherein an advertisement insertion

charge is distributed to a content owner based on the content identifier.

Goodman discloses the claimed means "database registering means for

attaching a content owner identifier to said image content; and wherein an

advertisement insertion charge is distributed to a content owner based on the content

identifier" by booking a commercial with the ADTAG clearing house (col. 6, lines 11-16)

and by the ADTAG system verifying that the commercial airs and authorizing payment

(col. 4, lines 31-37).

At the time of invention, it would have been obvious to a person of ordinary skill

in the art to combine the registering and charging system of Goodman, an analogous

art, to the image content providing method of Hite to allow a better ad payment system.

Hite and Goodman fail to disclose that the owner identifier is attached to said

image content.

Aras discloses that the "content owner identifier is attached to said image content" by adding tag information to the program being watched (for example, adding an audio-visual identifier, or AVI, to a program, col. 7, lines 30-54 and cols. 8 and 9, lines 53-67 and 1-2).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the content owner identification of image content of Aras, an analogous art, to the image content providing method of Hite and Goodman to further identify the image content being reproduced for the user.

Hite, Goodman, and Aras do not disclose selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category.

Zigmond discloses selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category (such as by choosing from multiple ads, some being for different categories or products, col. 9, lines 30-38).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the ad selection of Zigmond, an analogous art, to the image content providing method of Hite, Goodman, and Aras so that advertising effectiveness is maximized and the viewer's time is not wasted.

Claims 21 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hite (US 5,774,170) in view of Goodman (US 7,039,930) and in further view of

Zigmond (US 6,698,020).

Regarding claim 21, Hite discloses that the claimed "advertisement image

providing apparatus having an advertisement image and providing said advertisement

image" is met as follows:

- The claimed "advertisement image database for storing said

  advertisement image" is met by the Ad Administration Facility 100, which

  stores commercials and programs for analysis and categorization. The

  results of which are stored in a database [col. 8, line 65 – col. 9, line 2].

- The claimed "advertisement image selecting means for selecting said

  advertisement image to be provided from said advertisement image

  database" is met by column 6, lines 28-33, which disclose that the display

  site tunes to the frequency which contains the commercial being sent from

  the server if the CID code in the commercial and the CID code in the RD

  match.

- The claimed "advertisement image providing means having a function of

  providing said advertisement image selected by said advertisement image

  selecting means and generating an advertisement providing log which is

  history information when said advertisement image is selected" is met by

  the transmission of a default commercial in case a targeted commercial is

  not played in place of the default commercial. Depending on the capacity

of the transmission system, the number of simultaneous commercials

could be relatively small...or much larger [col. 6, lines 3-9]. Also, the Ad

Administration Facility 100 contains Customer Database 128, which stores

a list of viewer information regarding viewed and possible future

commercial interests [col. 10, lines 54-58].

- The claimed "advertisement providing log database for storing said

  advertisement providing log" is, again, met by the Customer Database

  128, which stores a list of viewer information regarding viewed and

  possible future commercial interests [col. 10, lines 54-58].

However, Hite fails to disclose an advertisement database registering means for

attaching an advertisement identifier to said advertisement image; and wherein an

advertisement insertion charge is distributed to a content owner based on the

advertisement identifier.

Goodman discloses the claimed means "an advertisement database registering

means for attaching an advertisement identifier to said advertisement image; and

wherein an advertisement insertion charge is distributed to a content owner based on

the advertisement identifier" by booking a commercial with the ADTAG clearing house

(col. 6, lines 11-16) and by the ADTAG system verifying that the commercial airs and

authorizing payment (col. 4, lines 31-37).

At the time of invention, it would have been obvious to a person of ordinary skill

in the art to combine the registering and charging system of Goodman, an analogous

art, to the image content providing method of Hite to allow a better ad payment system.

Hite and Goodman do not disclose selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category.

Zigmond discloses selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category (such as by choosing from multiple ads, some being for different categories or products, col. 9, lines 30-38).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the ad selection of Zigmond, an analogous art, to the image content providing method of Hite and Goodman so that advertising effectiveness is maximized and the viewer's time is not wasted.

Regarding claim 29, Hite discloses that the claimed "program storage medium stored with an advertisement image providing program which is a program storage medium stored with an advertisement image providing program for providing an advertisement image" is met as follows:

- The claimed "advertisement image selecting means for selecting said advertisement image to be provided from an advertisement image database" is met by column 6, lines 28-33, which disclose that the display site tunes to the frequency which contains the commercial being sent from

the server if the CID code in the commercial and the CID code in the RD match.

- The claimed "advertisement image providing means having a function of providing said advertisement image selected by said advertisement image selecting means and generating an advertisement providing log constituting history information in providing said advertisement image" is met by the transmission of a default commercial in case a targeted commercial is not played in place of the default commercial. Depending on the capacity of the transmission system, the number of simultaneous commercials could be relatively small...or much larger [col. 6, lines 3-9]. Also, the Ad Administration Facility 100 contains Customer Database 128, which stores a list of viewer information regarding viewed and possible future commercial interests [col. 10, lines 54-58].

However, Hite fails to disclose an advertisement database registering means for attaching an advertisement identifier to said advertisement image; and wherein an advertisement insertion charge is distributed to a content owner based on the advertisement identifier.

Goodman discloses the claimed means "an advertisement database registering means for attaching an advertisement identifier to said advertisement image; and wherein an advertisement insertion charge is distributed to a content owner based on the advertisement identifier" by booking a commercial with the ADTAG clearing house

(col. 6, lines 11-16) and by the ADTAG system verifying that the commercial airs and authorizing payment (col. 4, lines 31-37).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the registering and charging system of Goodman, an analogous art, to the image content providing method of Hite to allow a better ad payment system.

Hite and Goodman do not disclose selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category.

Zigmond discloses selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category (such as by choosing from multiple ads, some being for different categories or products, col. 9, lines 30-38).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the ad selection of Zigmond, an analogous art, to the image content providing method of Hite and Goodman so that advertising effectiveness is maximized and the viewer's time is not wasted.

Claims 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite (US 5,774,170) in view of Garfinkle (US 5,530,754) and in further view of Zigmond (US 6,698,020).

Regarding claim 22, Hite discloses that the claimed "image content reproducing apparatus for reproducing an image content" is met as follows:

- The claimed "image acquiring means for acquiring said image content and acquiring an advertisement image inserted to said image content" is met by the routing of the requested video to the individual consumer display device. Detecting a position of inserting an advertisement image is met by the commercial choice being switched to that location based on a match of the CID (Commercial Identifier) determined for that location and the CID embedded in the commercial. The matching can occur at the display site [col. 7, lines 54-63]. Also, the insertion of the advertisement into the image content is met by the transmission of a default commercial in case a targeted commercial is not played in place of the default commercial. Depending on the capacity of the transmission system, the number of simultaneous commercials could be relatively small...or much larger [col. 6, lines 3-9].

- The claimed "image reproducing means having a function of reproducing said image content acquired by said image acquiring means and inserting said advertisement image to said image content based on an advertisement inserting condition data and reproducing thereof" is met by the conditions and rules for displaying the commercial instead of the preemptable commercial that is delivered along with the video programming [col. 7, lines 7-14].

Hite, however, fails to disclose an image content selecting means for requesting distribution of a title list to an image content providing apparatus according to an inputted instruction and acquiring said title list.

Garfinkle discloses the claimed means "an image content selecting means for requesting distribution of a title list to an image content providing apparatus according to an inputted instruction and acquiring said title list" by a display and input device system that displays catalog data in response to a user input (col. 4, lines 50-53 and fig. 5.68) and displaying a listing of video products (col. 4, lines 53-55 and 3.53).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the title list of Garfinkle, an analogous art, to the image content providing method of Hite to allow the user to easily request image content.

Hite and Garfinkle do not disclose selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category.

Zigmond discloses selecting an advertisement image based on viewer information set at the image content reproducing apparatus such that a viewer can select advertisement image or reject said advertisement image and select a different category (such as by choosing from multiple ads, some being for different categories or products, col. 9, lines 30-38).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the ad selection of Zigmond, an analogous art, to the image

content providing method of Hite and Garfinkle so that advertising effectiveness is

maximized and the viewer's time is not wasted.

Regarding claim 30, Hite discloses that the claimed "program storage medium

stored with an image content reproducing program which is a program storage medium

stored with an image content reproducing program for reproducing an image content" is

met as follows:

- The claimed "image acquiring means for acquiring said image content and

  acquiring an advertisement image to be inserted to said image content" is

  met by the routing of the requested video to the individual consumer

  display device. Detecting a position of inserting an advertisement image

  is met by the commercial choice being switched to that location based on

  a match of the CID (Commercial Identifier) determined for that location

  and the CID embedded in the commercial. The matching can occur at the

  display site [col. 7, lines 54-63]. Also, the insertion of the advertisement

  into the image content is met by the transmission of a default commercial

  in case a targeted commercial is not played in place of the default

  commercial. Depending on the capacity of the transmission system, the

  number of simultaneous commercials could be relatively small...or much

  larger [col. 6, lines 3-9].

- The claimed "image reproducing means having a function of reproducing

  the image content acquired by said image acquiring means and inserting

  said advertisement image to said image content based on advertisement

inserting condition data and reproducing thereof" is met by the conditions

and rules for displaying the commercial instead of the preemptable

commercial that is delivered along with the video programming [col. 7,

lines 7-14].

Hite, however, fails to disclose an image content selecting means for requesting

distribution of a title list to an image content providing apparatus according to an

inputted instruction and acquiring said title list.

Garfinkle discloses the claimed means "an image content selecting means for

requesting distribution of a title list to an image content providing apparatus according to

an inputted instruction and acquiring said title list" by a display and input device system

that displays catalog data in response to a user input (col. 4, lines 50-53 and fig. 5.68)

and displaying a listing of video products (col. 4, lines 53-55 and 3.53).

At the time of invention, it would have been obvious to a person of ordinary skill

in the art to combine the title list of Garfinkle, an analogous art, to the image content

providing method of Hite to allow the user to easily request image content.

Hite and Garfinkle do not disclose selecting an advertisement image based on

viewer information set at the image content reproducing apparatus such that a viewer

can select advertisement image or reject said advertisement image and select a

different category.

Zigmond discloses selecting an advertisement image based on viewer

information set at the image content reproducing apparatus such that a viewer can

select advertisement image or reject said advertisement image and select a different

category (such as by choosing from multiple ads, some being for different categories or products, col. 9, lines 30-38).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the ad selection of Zigmond, an analogous art, to the image content providing method of Hite and Garfinkle so that advertising effectiveness is maximized and the viewer's time is not wasted.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on 571-272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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DRO

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PRIMARY PATENT EXAMINER